

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

STEPHEN WASHINGTON,
Plaintiff

V.

CIVIL ACTION NO. 1:CV-00-1991

(Judge Kane)

**LACKAWANNA COUNTY PRISON;;
STEVE MARINA; EUGENE
WEDDICK; PATRICK CAPONE;
GENE RUDELY; SANKO,
Defendants**

ORDER

The background of this order is as follows: Plaintiff initiated this civil rights action while incarcerated at SCI-Camp Hill. Plaintiff applied for and was granted leave to proceed in forma pauperis. Pursuant to 28 U.S.C. § 1915, Plaintiff authorized monthly deductions from his prison account to pay the \$150 case filing fee. The last of Plaintiff's payments was made on January 22, 2002 for a total of \$64.86. On February 13, 2002, the Court was notified that Plaintiff was released from custody. Plaintiff has not contacted the Court since his release either to pay the balance of the filing fee owed or to advance his claim.

This Court ordered the complaint in the above-captioned case to be served on the remaining Defendants on November 19, 2001. (Doc. No. 28). On November 30, 2001, return of service was executed on Defendants Steve Marina, Eugene Weddick, Patrick Capone, Gene Rudely, and Sanko. (Doc. No. 29). Defendants failed to file an answer or

otherwise respond to the complaint and thus would appear to be in default. Plaintiff made no motion for entry of default judgment pursuant to Rule 55 of the Federal Rules of Civil Procedure or any other filings with the Court. It does not appear that any discovery has taken place in this case or that Plaintiff has taken any further steps to prosecute this action.

Therefore, **IT IS ORDERED THAT** Plaintiff shall notify the Court on or before July 18, 2003 whether he intends to prosecute this case. **IT IS FURTHER ORDERED THAT** if he intends to prosecute, Plaintiff shall remit the remainder of his filing fee (\$85.14) to “Clerk, U.S. District Court,” or make an in forma pauperis motion to the Court for waiver of the balance owed due to demonstrated financial hardship. Plaintiff shall comply with this order on or before July 18, 2003 or his case will be dismissed.

S/ Yvette Kane
Yvette Kane
United States District Judge

Date: June 27, 2003